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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/877,941 | 06/08/2001 | Philip Andrew Davies | DYOUN0214US | 1431 |

7590 05/14/2003

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| EXAMINER |
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COLAJANNI, MICHAEL

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| ART UNIT | PAPER NUMBER |
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1731

DATE MAILED: 05/14/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

12

Office Action Summary

Application No.

09/877,941

Applicant(s)

DAVIES ET AL.

Examiner

Michael P Colaianni

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-4, 8-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Melles Griot, "Science Desk: Product Specifications and selection guide" brochure and www.mellesgriot.com/products/tablesandbreadboards/tablesoverview.asp.

The Melles Griot brochure describes a science desk that has an optical breadboard enclosed in a space formed by aluminum cross-beams ("Selection Guide" section and the "Technical specifications" section). The space is vibration damped ("Selection Guide" section). The www.mellesgriot.com website cited above states that the copyright of the website is 2000-2002. Because it is not certain at which time the brochure was added/updated, it is assumed for the basis of this rejection that the brochure was added in early 2000 which antedates applicant's perfected foreign priority date of August 14, 2000.

Claims 1-5, 8-9 are rejected under 35 U.S.C. 102(a) as being anticipated by Melles Griot "Science Desk: Ergonomic Workplace Systems for Manufacturing & Science" brochure and www.mellesgriot.com/products/tablesandbreadboards/tablesoverview.asp.

The Melles Griot brochure describes a science desk that has an optical breadboard enclosed in a space formed by aluminum cross-beams ("FEATURES" section of the brochure and the photo on page 1 of the brochure). The space is vibration damped ("CONCEPT" section where it states that the desk may be full or partially damped). The Melles Griot brochure also teaches that the anchor points along the cross-beams ("FEATURES" section and the photo shown on page 1 of the brochure). The www.mellesgriot.com website cited above states that the copyright of the website is 2000-2002. Because it is not certain at which time the brochure was added/updated, it is assumed for the basis of this rejection that the brochure was added in early 2000 which antedates applicant's perfected foreign priority date of August 14, 2000.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melles Griot "Science Desk: Ergonomic Workplace Systems for Manufacturing & Science" brochure and www.mellesgriot.com/products/tablesandbreadboards/tablesoverview.asp.

The Melles Griot brochure substantially teaches applicant's claimed invention. See the 102(a) rejection for Melles Griot's teachings. However, Melles Griot does not explicitly teach that the anchor points are spigot or threaded holes.

However, the Examiner takes official notice that using such variety of holes in laboratory equipment is known in the lab art. Such holes provide ready and easy attachment for various types of accessories and other equipment. Also, in view of Melles Griot's teaching that the anchor points provide a "strong fixing system" using a threaded or spigot hole would have been obvious because such holes provide strong joints.

It would have been prima facie obvious at the time the invention was made to use threaded and spigot holes with Melles Griot and www.mellesgriot.com's Sciencedesk because doing so would produce a desk with added versatility and provide for easy and strong attachment as taught by Melles Griot.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6 and 7 recite the limitation "the anchor points" in line 1 of the claims.

There is insufficient antecedent basis for this limitation in the claim.

Claims 6 and 7 depend from claim 4 where there is no mention of any "anchor points".

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P Colaianni whose telephone number is 703-305-5493. The examiner can normally be reached on Monday to Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 703-308-1164. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7115 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Michael P Colaianni
Primary Examiner
Art Unit 1731

MPC
May 13, 2003

**MICHAEL COLAIANNI
PRIMARY EXAMINER**